5 Trade in America 12.

A SPEECH,

INTENDED TO HAVE BEEN DELIVERED IN THE

HOUSE OF COMMONS,

IN SUPPORT OF THE

PETITION

FROM THE

GENERAL CONGRESS

AT

PHILADELPHIA.

American Continental Congress.

BY THE AUTHOR OF AN APPEAL TO THE JUSTICE AND INTERESTS OF GREAT-BRITAIN.

LONDON:
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M.DCC.LXXV.

A

SPEECH, &c.

SIR,

I APPEAR in this Honourable Houſe to ſupport a Petition from the General Congreſs in America to our common Sovereign. That Petition is now before you, for your conſideration. Sir, the matter of the Petition is ſo momentous, the conſequences of your determination upon it are ſo great and extenſive, that it may well command your moſt ſerious attention. Some hours attention may ſurely be indulged to the voice of reaſon and ſupplication, in a cauſe that concerns ſo very materially the Crown, the Conſtitution, and all the ſubjects of this extended Empire.

I ſhall endeavour to ſhew you, Sir, that the grievances ſet forth in this Petition are real, dangerous, and alarming; that they ſtrike directly and deeply at the deareſt privileges of your fellow-ſubjects—property, perſonal liberty, and life. If I ſucceed in this attempt, then I truſt it will be impoſſible the Repreſentative of a Free People can refuſe relief, and ſend me away in deſpair.

The firſt grievance ſtated by the Petitioners is, That a ſtanding army has been kept in theſe Co-

lonies ever ſince the concluſion of the late war, without the conſent of their Aſſemblies; and this army, with a conſiderable naval armament, has been employed to enforce the collection of taxes.

Sir, the principle of Engliſh liberty, as declared at the Revolution, is, that the Crown ſhall not keep a ſtanding army independent of the people among whom it is kept. With regard to the Realm of England, the declaration is—"That the raiſing or keeping a ſtanding army "within the Kingdom, in time of peace, unleſs "it be with conſent of Parliament, is againſt "Law (*a*)." The Parliament being the guardian power for the people of England, and of which their Repreſentatives made a part, this controul was ſufficient to ſhield them from the danger of an army kept without their conſent. But this was no conſtitutional protection to Scotland; and therefore the Scots had their declaration, which comes directly to our point. Theſe are their words:—"That the ſending of an army, "in a hoſtile manner, upon any part of the "Kingdom, in a peaceable time, is contrary to "Law (*b*)."

With how much more propriety, Sir, may the Colonies declare, "That the ſending an army "among them in an hoſtile manner, to collect "taxes not authoriſed by the conſent of their "Repreſentatives, and to enforce laws made "without their conſent, is dangerous, arbitrary, "and illegal?" Under ſuch a power in the Crown, that ſecurity to the liberties of the ſubject, which is the conſtant care and proviſion of the Law and the Conſtitution, could not exiſt; their

(*a*) Declaration of Rights for England.
(*b*) Declaration of Rights for Scotland.

Repre-

Repreſentatives would ceaſe to be any longer their ſhield; and arbitrary power would ſoon be eſtabliſhed upon the ruin of their undoubted rights.

2d. The authority of the Commander in Chief, and under him of the Brigadiers-General, has, in time of peace, been rendered ſupreme in all the Civil Governments in America.

Sir, I ſhould be grieved if the very mention of this fact did not excite the indignation of this Houſe; which being entruſted with the guardianſhip of the Civil Rights of the People in Great Britain, muſt know that ſuch an inſtitution in this country would be inevitably fatal to our free Conſtitution. It is, in fact, lifting the Sword above the Law; which is preciſely the definition of deſpotiſm. The Civil Power can no longer ſubſiſt, no longer protect the Civil Rights of the People, when the Military Power is advanced above its controul. This is to cut ſhort all intermiſſion, and ſubvert at one blow the whole Conſtitution. What would be arbitrary and tyrannical to the ſubject here, muſt be equally ſo there. *Cœlum non animum mutant, qui trans mare currunt.* If you conſider the Americans as endued with the ſame feelings, and veſted with the ſame human rights by the God who is our common Maker, you will then perceive, nay feel, that a violation of thoſe rights muſt be as atrocious to them as to you. But if you deny them this common nature and theſe common rights, it is time they ſhould look to themſelves, and appeal to that Almighty Being to protect them in what he gave. For, without any queſtion, the rendering the Military Power ſupreme is totally incompatible with any ſhadow of liberty or ſafety, and cannot be endured. It is my duty to ſtate theſe things to the Houſe, that unleſs it

be determined to drive the Petitioners to all extremities, their grievances may be redreſſed.

3d. The Commander in Chief of all his Majeſty's forces in North America has, in time of peace, been appointed Governor of a Colony.

A jealouſy of their liberties, Sir, is ſo much the characteriſtic of true Engliſhmen, that the ſame ſpirit in the Americans ſhould be a noble proof to you, that they are the undegenerated deſcendants of their Britiſh anceſtors. And ſurely, Sir, the appointment of that Commander in Chief, whoſe Military Power had been made ſupreme over the Civil, was ſufficient to awaken that jealouſy from its ſoundeſt ſleep. The perſon ſo appointed gave them an immediate proof of the extraordinary power with which he thought himſelf cloathed. He ſubſtituted his proclamation for Law, in a point the moſt delicate, the moſt dangerous, and the moſt guarded within the whole code of Criminal Law. He has declared a new kind of treaſon; and as he cannot be unacquainted with his incapacity to do this in his limited office of Civil Governor, it muſt have originated in the plenitude of his power as Commander in Chief (*c*).

This appointment is therefore juſtly alarming to all the Colonies; and is for that reaſon ſtated as one of their grievances.

4th. The charges of uſual Offices have been greatly increaſed; and new expenſive and oppreſſive Offices have been multiplied.

By the Acts of the 4th and 6th of the preſent Reign, the uſeleſs reſtraints laid on going to foreign markets; the enlargement of the liſt of enumerated commodities; the multiplicity of

(*c*) See Governor Gage's Proclamation, June 29, 1774.

bonds

bonds required in addition to that for enumerated goods, which bonds the Officers of the Cuſtoms have extended to little coaſters going from one town to another in the ſame province; the ſufferances, cockets, and certificates, obliged to be taken out by ſmall coaſting veſſels, under ſtrict pains of forfeiture; the making the ſureties, in the various bonds, liable upon the moſt trifling neglect of the maſters of the little veſſels; all theſe, and innumerable other regulations, have operated to increaſe intolerably the charges in the coaſting trade from one ſhilling to near ſixteen; to entangle the fair trader in an almoſt inextricable labyrinth of legal proceedings, laying him at the mercy of the Revenue Officers; and to render trade hazardous, difficult, tedious, and perplexed.

The inevitable conſequence of theſe ſeverities and reſtraints is, to compel the people to turn ſmugglers, or to bribe the Officers to diſpenſe with theſe unneceſſary and rigorous forms. Thus, one way or other, the Laws are unprofitable to the Revenue, and oppreſſive to the People.

The authority of the Commiſſioners being unlimited, they have appointed an infinite number of inferior Officers, whom the maſters of veſſels are compelled to receive and lodge on board, however abandoned and flagitious their characters may be. Every Officer of the Navy having a Revenue Commiſſion ſubjects trading veſſels to be perpetually ſtopped, ſearched, inſulted, and ſometimes plundered, ſo as to diſtreſs and impede trade as much as human invention or malignity can contrive. In conſequence of all theſe regulations and powers, twenty-three ſail of veſſels were, in a ſmall ſpace of time, ſeized and detained; but no proof appearing againſt them, they were diſmiſſed without

out any reparation of damages, the Law having precluded the ſufferers from ſuing for it.

The ſole reaſon for all theſe reſtraints and rigours is, that ſmuggling was carried to ſuch a pitch as to render thoſe ſeverities neceſſary to the preſervation of the Revenue. Of what validity this is, let Governor Bernard bear witneſs. His teſtimony when in favour of the people, will be deemed, I preſume, unimpeachable and concluſive:—"I do not pretend," ſays he, "that this "Province is *entirely free* from the breach of theſe "Laws (the Laws of Revenue), but only that "ſuch breach, if diſcovered, is ſurely puniſh-"ed (*d*)." This was the fact in 1763, the very year before the commencement of all theſe ſeverities and reſtraints. What country upon earth, that has Laws of Revenue, is entirely free from a breach of them? And what more can be ſaid for the juſtice of the beſt people, than that the *breach, if diſcovered, is ſurely puniſhed?* May I not then, Sir, with confidence affirm, that this Article of complaint is juſt, and the cauſes of it unneceſſary, unwarrantable, and cruel?

5th. The Judges of Admiralty and Vice Admiralty Courts are empowered to receive their ſalaries and fees from the effects condemned by themſelves.

Sir, this proviſion is made by the King's Commiſſion. At the ſame time it is proper to obſerve, that theſe Judges are alſo dependant on the King for their appointment, and continuance in their office; and that in every cauſe on which they determine, the King is a party. I will now ſubmit to this Houſe, whether the moſt cunning ima-

(*d*) Select Letters by Governor Bernard.

gination

gination could deviſe a more effectual means of perverting juſtice, than by rendering the Judge the creature of one party, and payable out of the fruits of his determination againſt the other. It is not to tempt him only, but to compel him to injuſtice. Man muſt be made of different ſtuff from what human nature is or ever was compoſed of, to reſiſt its effects. Will you then, Sir, and this Honourable Houſe candidly conſider, what muſt be the ſituation of every man in America, under the proſpect of having his property, ſhould it once get upon the water, at the diſpoſal of ſuch a Judicature? Can he, from its very conſtitution, hope for juſtice? Is it no grievance, or is it an inconſiderable grievance, to be cut off from all hope of juſtice, where the property of the ſubject is ſo much concerned?

Sir, it is curious, and may be of utility to obſerve the origin and progreſs of this evil. By the Acts of Navigation and the 15th of Charles the Second, for regulating the Commerce of the Plantations, Revenue ſuits are ordered to be brought in the Courts of Record. The 7th and 8th of Will. III. gives the Admiralty juriſdiction for forfeitures incurred under that Act. But they uſurped more powers, and in the year 1720, the Council to the Board of Trade reported againſt them on reference, and adviſed an Act of Parliament to reduce and regulate them. But inſtead of this, the 4th of Geo. III. gave them original juriſdiction in all caſes of Revenues, to which the Stamp Act added an appellate juriſdiction, which following with the repeal of that Act, was ſoon revived. Hitherto the Revenue queſtions had been confined to the Admiralty Court of each Province. But in the years 1764 and 1765, four Courts of Vice-Admiralty were appointed for the whole

whole Continent, with original jurisdiction in all Revenue causes.

Upon the whole, then, this affair stands thus: By the 5th of Geo. III. it was enacted, "that the "forfeitures and penalties inflicted by this or "any other Act or Acts of Parliament relating "to the Trade and Revenues of the said British "Colonies or Plantations in America, which shall "be incurred there, shall and may be prosecuted, "sued for, and recovered in any Court of Re-"cord, or in any Court of *Admiralty*, in the said "Colonies or Plantations where such offence "shall be committed, or in any Court of *Vice* "*Admiralty* which may or shall be appointed "over all America, at the *direction of the in-*"*former or prosecutor*."

It being thus put in the power of the informer to have the cause brought into this last Court, it could hardly have been apprehended that he would neglect commencing the prosecution where he was sure of partiality, if not of injustice, in his favour. But to guard against a possibility of the subject's escaping this tremendous Court, another Act, the 8th Geo III. revives the right of appeal from the Admiralty to the Vice-Admiralty Courts in their respective jurisdictions. Nor does the tenderness and attention to informers end here; but that the unhappy American subject may be harrassed without hope of redress, it is provided, by the 46th Clause of the former Act, "That if judgment be "given in favour of the subject, and it shall ap-"pear to the Judge (to such a Judge) that there "was a *probable cause* of seizure, the subject shall "not be entitled to any costs of suit whatsoever, "nor shall the person who seized the ship and "goods be liable to any action or prosecution on "account of such seizure."

Here

Here let us ſtop, Sir, and conſider for one moment the ſituation of the American ſubject under thoſe laws. He is expoſed to the malevolence of informers, who are tempted to harraſs and injure him by a proſpect of gain and certain impunity; the ſacred trial by Jury is taken from him—his property, ſeized for the King, and claimed by him, is in the arbitration of the King's Judge, totally dependant on the will and pleaſure of the Crown, and participant of the monies ariſing from the condemnation.---He may be compelled to go from one end of the Continent to the other, from St. Auguſtine to Hallifax, to reclaim his veſſel and cargo before ſuch a Court; and if his cargo ſhould be of a periſhable nature, the total loſs of that, the immenſe expence of a ſuit ſo circumſtanced, together with a ruinous interruption of his trade and loſs of time, are not entitled to a ſhilling reparation. In all this we ſurely may perceive, that neither the peace nor property of the American ſubject was conſidered when theſe Laws paſſed; and yet they were as much conſidered, as he can reaſonably expect they ever will be, where he has neither repreſentation, connection, nor influence.

One would have imagined, Sir, that the meaſure of American oppreſſion was now full; and that even tyranny itſelf could hardly have wiſhed to render property more inſecure, or the ſubject more miſerable, than by encouraging and protecting informers, and eſtabliſhing a partial Court, wherein, diveſted of his right of trial by Jury, he could never hope for juſtice. But as long as any forms of Law in favour of the People obſtructed the Officers of Revenue in entering where they choſe, and ſeizing what they pleaſed, all the rights of men and of Britiſh ſubjects could not be wan-

tonly trampled upon by theſe kind of men, who may be made the tools of public deſpotiſm, or private vengeance. Theſe bars, however, were ſoon removed, as we ſhall find in the next article.

6th. The Officers of the Cuſtoms are impowered to break open and enter houſes, without the authority of any Civil Magiſtrate.

The 7th of his preſent Majeſty's Reign, *c.* 41. enables the Crown to appoint Commiſſioners of the Cuſtoms in America, *with the ſame powers and authorities as were, before the paſſing this Act, exerciſed by the Commiſſioners of the Cuſtoms in England, by virtue of any Act or Acts of Parliament now in force.*

Let us then ſee, Sir, what are the powers given by Law to the Commiſſioners of the Cuſtoms in England.

It is enacted by the 12th *Car.* II. ch. 19, " That if any perſon, or perſons, ſhall cauſe to " be loaded or conveyed away any cuſtomable " goods, without due entry and payment of the " Cuſtoms, then, and in ſuch caſe, *upon oath* " thereof made before the Lord Treaſurer, &c. " or Chief Magiſtrate of the part or place where " the offence ſhall be committed, or the place " next adjoining thereunto, it ſhall be lawful to " and for the Lord Treaſurer, &c. to iſſue out " a *warrant* to any perſon, or perſons, thereby " enabling him or them, with the aſſiſtance of " the Sheriff, Juſtice of Peace, or Conſtable, to " enter into any houſe, *in the day time*, where " ſuch goods are ſuſpected to be concealed. " Provided always, that no houſe ſhall be en- " tered by virtue of this Act, unleſs it be in the " ſpace of *one month* after the offence ſuppoſed " to be committed. Provided alſo, that if the in- " formation whereupon any houſe ſhall come to

" be

" be ſearched, ſhall prove to be falſe, that then, " and in ſuch caſe, the party injured ſhall re- " cover his *full damages and coſts* againſt the In- " former, by action of treſpaſs to be therefore " brought againſt ſuch Informer."

In this country, then, the ſecurity of the ſubject is, that the King's Officers cannot enter his houſe but by warrant on oath, guarded by the preſence of a Peace-Officer—in the day-time—within one month after the ſuppoſed offence—and that a falſe information is ſubject to damages and coſts.

If it ſhall appear, Sir, that all of theſe ſecurities, one only excepted, are taken from the ſubject in America, I truſt that this Honourable Houſe will, to a man, pronounce it arbitrary and unconſtitutional. Yet, ſo it is; for

His Majeſty's Commiſſion empowers the Commiſſioners, Collectors, Deputy-Collectors, Miniſters, Servants, and other Officers, " from time to time, at their, or any of their *wills and pleaſures*, in the day time, to *enter and go* into any warehouſe, ſhop, cellar, and other place, where any goods, wares, or merchandizes lie concealed, or are *ſuſpected to lie* concealed, whereof the Cuſtoms or other duties have not been paid; and the ſaid houſe, warehouſe, ſhop, cellar, and other place, to ſearch and ſurvey, and all and every the trunks, cheſts, boxes, and packs, then and there found, to *break open*."

Under the operation of this Commiſſion, a man's houſe in America ceaſes to be his caſtle. His papers, his property, his private concerns, his domeſtic retirement, and even the honour of his family are at the mercy of any ruffians who may be occaſionally employed in the Cuſtoms. It is true, the powers of this Commiſſion have

not been executed in their full extent, becauſe, Sir, the bearers of it did not find paſſive obedience enough in the Americans to render the experiment ſafe. But the very exiſtence of ſuch powers is a dangerous indignity which a Free People ought not to endure. Judge Blackſtone has told us truly, and, what is of ten times more authority, the heart of every Freeman tells him, that " the true Liberty of the Subject conſiſts not " ſo much in the *gracious behaviour*, as in the " *limited powers* of the Sovereign *(e)*. It is the " glory of the Britiſh Subject, that he is governed " by *Law*, and not by *Will*." *Anglorum populi, propria Libertas.*

8th. The Judges of Courts of Common Law have been made entirely dependent on one part of the Legiſlature for their ſalaries, as well as for the duration of their commiſſions.

The former eſtabliſhment was, that the Judges were *appointed by the Crown, durante bene placito*; and the *Repreſentatives of the People voted their ſalaries* yearly. Thus being balanced equally, they were kept in the middle line of their duty. If they acted with partiality againſt the people, they hazarded their ſalaries; if againſt the Crown, their places. But this impartial adminiſtration of juſtice not favouring the views of Governors Bernard and Hutchinſon, they repreſented conſtantly againſt it; and in the year 1772, the Judges' ſalaries were ordered to be paid out of the Revenue, raiſed without the conſent of the People, and not by grants from the Aſſembly.

Nothing could have alarmed the People more than this meaſure. It deſtroyed totally that check which ſecured an equal diſpenſation of Juſtice.

(*e*) Comment. V. iv. p. 426.

It rendered their lives, liberties, and property inſecure, while in the arbitration of Judges dependent for their ſeats, their pay, and their promotion upon the Crown. The independency of the Judges is ſo obviouſly eſſential to a due adminiſtration of the Laws, and this to the Liberties of the Subject, that no doubt could be entertained of the intention with which they were rendered dependent. The political hiſtory of their parent country had taught them the evils their anceſtors had experienced from the conduct of Judges ſo circumſtanced, even with the terror of impeachment to reſtrain them from partial and arbitrary deciſions. They knew, Sir, that this was one of the firſt grievances complained of in the oppreſſive reign of Charles I. Nor had they forgot how much due praiſe his preſent Majeſty received for rendering the Judges of England ſtill more independent, by eſtabliſhing their ſalaries for life. They ſaw with concern the principles which apparently governed that Act entirely reverſed, and ſo fatal a diſtinction made between his Majeſty's ſubjects in Great Britain and America. They therefore repreſented in their Addreſſes and Petitions, "That as the Judges held "their places *during pleaſure*, the enjoyment of "their ſalaries from the ſame hand, and during "the ſame pleaſure, was big with the moſt fatal "evils."

9th. Counſellors holding their Commiſſions during pleaſure exerciſe legiſlative authority.

This inſtitution is one of the principal objects in the regulating Act of laſt year, for ſubverting the chartered rights of the Colony of the Maſſachuſet's Bay. By their charter, the Council, which conſtitutes one branch of the Legiſlature, was choſen annually by the Repreſentatives of the People,

People, and approved of or rejected by the Governor. This mode operated as a check on each ſide, and rendered that body as nearly ſimilar to the Houſe of Lords as poſſible, in point of impartiality and independence. For a dependence on both the Crown and the People made them in effect dependent on neither, when in oppoſition; and thus they maintained that conſtitutional ballance for which the middle branch of the Legiſlature is calculated. But as a ſyſtem unhappily prevails, of diminiſhing the influence and dignity of the democratic part of the Conſtitution, in order the more effectually to abridge the Liberties of the People, the Members of the Council, now rendered dependent on the Governor for their appointment, and continuance in office, are authorized to perſevere in the exerciſe of Legiſlative authority. Thus the Crown comes into poſſeſſion of two branches of the Legiſlature, dependent on its mere will and pleaſure for their exiſtence. By this manœuvre the ballance of the Conſtitution is entirely deſtroyed, and the middle branch of the Legiſlature, inſtead of being a ſalutary check on the other two, is a dangerous inſtrument in the hands of the Crown againſt the Liberties of the People.

This innovation is juſtified by the example of many other Colonies, in which the ſame practice prevails. But in them it is felt as an evil, and known to be an uſurpation. They have no legal authority for acting as a ſeparate branch of the Legiſlature; they had no ſuch power at the beginning of their appointment; and the ſteps by which they gradually aſſumed it, have been clearly pointed out *(f)*. It is therefore conceived to be a

(f) See an Anſwer to Conſiderations on the Proceedings in South Carolina, and the Hiſtory of Jamaica, V. I. p. 167 and 203.

very

very ſtrange doctrine, that a dangerous uſurpation upon the Conſtitution in one Province ſhall juſtify a deliberate violation of the chartered rights of another; that inſtead of repreſſing evils you ſhould extend them, and ſubſtitute imperfection in the place of what before was perfect. In days leſs evil, and with men leſs inimical to Conſtitutional Liberty than our preſent Miniſtry, it would have ſeemed more proper to argue, that, as the Conſtitution was more perfect, and better modelled after that of England in one Province than in others, the better form ſhould be communicated to all, and the Councils through all America be rendered independent. But this, Sir, is not the day of ſalutary reformation.

That the People are alarmed at this inſtitution of the Council, will not, I hope, be imputed to a factious ſpirit, or to the perverted judgment of over-heated imaginations, when I ſhew you, that a learned Judge, now living, has deliberately declared, That if ſuch a caſe ſhould happen, the Conſtitution would be deſtroyed. "For if ever," ſays he, "it ſhould happen, that the independence "of any one of the three branches of the Le- "giſlature ſhould be loſt, or that it ſhould be- "come *ſubſervient to the views* of *either* of the "*other two*, there would ſoon be an end of our "Conſtitution (g)."

10th. Humble and reaſonable Petitions from the Repreſentatives of the People have been fruitleſs.

It is painful, Sir, to wade through ſuch a maſs of injuries as have been accumulated upon your unhappy fellow-ſubjects in America. Seven years of ſupplication for redreſs has produced only re-iter-

(g) Blackſtone's Comment. V. I. p. 59.

ation

ation of wrongs; and complaints have been invariably followed by additional irritation. Perhaps nothing can more effectually embitter the cup of human woe, and render it intolerable, than derided complaints, and ineffectual ſupplication. I do not know a ſingle inſtance in hiſtory, wherein rulers have not ſooner or later experienced the fatal conſequences of deſpiſing the complaints of the People, and aggravating their injuries. It is an obſervation of Cicero, and ought to be written in letters of gold, "That the hatred of the people is able to ruin "the moſt abſolute authority."

Sir, every Aſſembly in America long ago, that is, at the re-commencement of the unconſtitutional ſyſtem of taxing them without their conſent, petitioned all branches of the Legiſlative for redreſs. Since that, the Aſſembly of the Maſſachuſet's Bay have repeatedly ſent their ſupplications to the Throne for the ſame purpoſe. What has been the conſequence? The Petition now before you, the laſt I conceive with which America will ever trouble this Country, if it be rejected, tells you they have been fruitleſs. Would to God, Sir, they had been only fruitleſs! The petition for redreſs of one grievance has been the fertile mother of a thouſand more. Was the Revenue Act complained of? Troops were quartered in their towns, directly contrary to an Act of Parliament, to enforce it with military vigour? Did they ſtate that their trade was embarraſſed and impeded by the perpetual ſtoppages, ſearchings and ſeizures of their veſſels upon frivolous pretences?—The men of war were ſuffered to harraſs them ſtill more by preſſing their ſailors, in violation of another expreſs Act of Parliament to the contrary. Did they repreſent the grievance of being tried in all Revenue cauſes without Jury, and by a depend-

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ent Judge?—It is anſwered, By rendering all their Judges dependant, by ordering them to be ſeized upon for felonies and treaſons without any intervention of a Grand Jury, and brought over to England in order to deprive them of the ſacred trial by a Jury of the vicinage. Their complaint againſt their Governor, for having ſecretly adviſed the abridgment of their chartered rights, was anſwered by an Act of Parliament actually abridging, or rather totally ſubverting them. Inſtead of reſtraining the military power, which, to the great alarm and danger of the People, had been advanced above that of the Civil Magiſtrate; an Act was paſſed to encourage murder, by rendering it impracticable to bring the perpetrators of it upon the People of the Province to public juſtice. In fine, the uneaſineſs of the Town of Boſton under the vexatious reſtraints impoſed upon her trade, and a military power forced upon her, was removed by taking away her Port, and blocking up the Town both by ſea and land.

Theſe, Sir, are facts of common notoriety. They are grievances that cannot be endured—they cannot come to good.

But alas, Sir, their Petitions have not only been thus fatally productive of accumulated griefs, but even the very attempt to repreſent their grievances was branded by the Earl of Hillſborough, in his Majeſty's name, as tending to create unwarrantable combinations, and to excite an unjuſtifiable oppoſition to the conſtitutional authority of Parliament. They were commanded, under pain of diſſolution, to reſcind the very Reſolution that gave birth to a Circular Letter from one Aſſembly informing the reſt, "That the Houſe "had humbly repreſented to the Miniſtry their "own ſentiments, that his Majeſty's high Court

" of Parliament is the Supreme Legiſlative Power
" over the whole Empire; that in all free States
" the Conſtitution is fixed, and as the Supreme
" Legiſlative derives its Power and Authority from
" the Conſtitution, it cannot over-leap the bounds
" of it without deſtroying its own foundation;
" that the Conſtitution aſcertains and limits both
" Sovereignty and Allegiance, and therefore his
" Majeſty's American Subjects, who acknowlege
" themſelves bound by ties of Allegiance, have an
" equitable claim to the full enjoyment of the
" fundamental rules of the Engliſh Conſtitution;
" that it is our eſſential, unalterable right in na-
" ture, ingrafted into the Britiſh Conſtitution as
" a fundamental Law, and ever held ſacred and
" irrevocable by the Subjects within the realm,
" that what a man has honeſtly acquired is ab-
" ſolutely his own, which he may freely give,
" but which cannot be taken from him without
" his conſent; that the American Subjects may,
" therefore, excluſive of any conſideration of
" Charter Rights, with a decent firmneſs adapt-
" ed to the character of Freemen and Subjects,
" aſſert this natural Conſtitutional Right; that as
" they have too much reaſon to believe, that the
" enemies of the Colonies have repreſented them
" to his Majeſty's Miniſters and the Parliament as
" factious, diſloyal, and ſhewing a diſpoſition to
" make themſelves independent of the Mother
" Country, they have taken occaſion, in the
" moſt humble terms, to aſſure his Majeſty and
" his Miniſters, that, with regard to the People of
" this Province, and, as they doubt not, of all
" the Colonies, that charge is unjuſt."

This, Sir, is the Letter which rouſed ſuch re-ſentment, and kindled ſuch wrath in his Majeſty's Miniſters, which they loaded with ſuch opprobri-

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ous epithets, and for which they have inceſſantly purſued that devoted Province with the mighty vengeance of all the excited powers of King and Parliament.

Will you, Sir, for a moment condeſcend to conſider the ſituation of the Americans? If they attempt to remonſtrate againſt the power of Parliament as of late exerciſed over them—they are told it is offending againſt the Supremacy of the Britiſh Legiſlature, and they will ſuffer the moſt exemplary puniſhment. If they only pray for redreſs of certain meaſures which they feel as grievances,—the anſwer is, You are exciting an unwarrantable oppoſition to the conſtitutional authority of Parliament, and That too ſhall be ſeverely puniſhed. This exceeds even Roman deſpotiſm, under which Cicero tells us that *ſervientibus animis, gemitus tamen Populi Romani liber fuit.*

Thus complaint begets accuſation; and accuſation, puniſhment. Yet I do not claim your compaſſion. No, Sir; men contending and ſuffering in the great cauſe of Public Liberty, are objects not of pity, but of reſpect and veneration. I call upon your juſtice, your magnanimity to approve their virtue, and reſtore their rights.

11th. The Agents of the People have been diſcountenanced, and Governors have been inſtructed to prevent the payment of their ſalaries.

When Governor Bernard adopted the ſyſtem of inflaming the King and his Miniſters, the Parliament and the People of Great Britain, againſt the Province in which he preſided, by the moſt malignant miſrepreſentations, the Repreſentatives of the People found it neceſſary to appoint an Agent to convey a true repreſentation of their grievances, and their prayers for redreſs, to the

Throne and the Two Houſes of Parliament. Mr. De Berdt was appointed for this purpoſe the 7th of November, 1765. He was admitted, as Agent, at the Board of Trade, without the leaſt queſtion, under different Adminiſtrations, and Gov. Bernard gave his aſſent to a Bill for the payment of his ſalary ſo late as the year 1768.

It happened ſoon after to be the duty of the Agent to convey the complaints of his conſtituents to the Throne, both againſt the Miniſter and the Governor. In this buſineſs, a faithful, honeſt Agent was found exceedingly troubleſome. Such repreſentations were therefore made by the Governor, and ſuch Inſtructions ſent by the Miniſter, as incapacitated the Houſe from paying their Agent, unleſs they would have one approved of by the very perſons againſt whom it might be his duty to act. This meaſure needs no comment. It is not in human depravity to deviſe an act of more groſs injuſtice, than that of debarring men of the means of defending themſelves when accuſed, and of complaining when injured.

Repeated application has been made for the removal of this iniquitous Inſtruction without any effect. They have added, indeed, inſult to injuſtice. It lives in the memory and in the indignation of multitudes, who were witneſſes to the indecent ſcene, when the preſent Agent for the Maſſachuſet's Bay, whoſe character is held in veneration wherever the lights of philoſophy have penetrated, was treated at the Council-table with the groſſeſt indignities that virulency and invective could invent, not only without reprehenſion, but with the moſt manifeſt approbation and encouragement of their Lordſhips. I will venture to affirm, Sir, that there never was an inſtance before, in which a great and grave aſſembly of Judges ſo flagrantly ſacri-

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ſiced the dignity of place and character to unbecoming ſpleen and pitiful reſentment.

12th. Aſſemblies have been repeatedly and injuriouſly diſſolved.

It is above ſeven years ſince the commencement of this fatal diſpute; and in that time every Aſſembly on the Continent has been repeatedly diſſolved, for preſuming to enter into a conſideration of their grievances. We have ſeen the Secretary of State's order to diſſolve the Aſſembly of the Maſſachuſet's Bay, if the Houſe of Repreſentatives did not obey his mandate for eraſing a record of their Reſolution to petition for a Redreſs of Grievances. The diſſolution was punctually executed. The ſame order was ſent to all the other Governors, if the reſpective Aſſemblies did not treat with contempt a Circular Letter from the Maſſachuſet's, to inform them of its having petitioned the Throne for relief. It appears, Sir, from one of the Letters upon your table, that the Earl of Dunmore lately diſſolved the Aſſembly of Virginia for ordering a faſt to be held upon the calamity of a Town in America being ſubjected to ruin, by being condemned upon ſuſpicion and unheard. This diſſolution left that Colony without a Fee-Bill neceſſary to the adminiſtration of Juſtice; in conſequence of which the Courts of Law have been ever ſince ſhut up, no new Aſſembly having been yet called.

Thus, Sir, this great Prerogative, which was given to be exerciſed only on occaſions of moment and magnitude, when the very being of the State requires it, is unduly employed, at the direction of ſpleen and caprice, to harraſs the People and their Repreſentatives, and ſuppreſs all freedom of deliberation and debate. The general inſtruction to the Governors ſeems to be,

" That

" That they ſhall diſſolve their Aſſemblies whenever they enter upon the conſideration of their grievances." Yet, when thus precluded in their ordinary Aſſemblies, if they meet in Congreſs for the ſame purpoſe, their meeting is denominated illegal, and their complaints rejected. The conſequence is, Sir, that they muſt huſh their griefs in ſilence, or expreſs them in that laſt appeal, which will cut them off from this Country utterly, and for ever. It would be eaſy to determine ſpeculatively the effects of ſuch meaſures; but we have had full experience, in this country, how miſchievous and fatal the attempt is to ſtifle the juſt complaints of the People, by inſulting their Repreſentatives. Need I, Sir, recal to your mind, that the ſame means were uſed by the Miniſters of King Charles I. when their aim was to eſtabliſh arbitrary government in this country. Your Journals will bear witneſs to the fact, and have recorded it as a grievance. The uſe of ſimilar means infers ſimilar intentions. It is therefore natural for the People of America to feel this proceeding, as your anceſtors did, grievous and alarming.

I have already ſtated the uſeleſs and oppreſſive reſtrictions with which their commerce has been burthened: I am now, therefore, to proceed to the great ſource of the diſturbances we lament—the giving and granting the property of the People of America in this Aſſembly, where they are not repreſented. Sir, ſo much has been ſaid on the right to do this, that nothing but inſpiration can throw new light upon the ſubject. You exerciſe the ſole and incommunicable right of giving the money of the People of Great Britain, becauſe you repreſent them; you claim the right of giving that of the People of America, becauſe

cauſe you do not repreſent them. Is there no repugnancy in this? The People of Great Britain are bound by the grants of this Aſſembly, becauſe it conſiſts of Repreſentatives choſen by themſelves, under the controul of a re-election, communicating with the body at large, and participating in the burthen of the taxes they impoſe; the People of America are to be bound by its grants, though it contains not one Repreſentative choſen by them, is not under any controul from them, and neither communicates with them, nor partakes in their burthens. Repreſentation is imperfect in Great Britain, therefore it ſhould be aboliſhed in America. Copyholders do not vote in Great Britain; therefore freeholders ought not to vote in America.

It would be endleſs, Sir, to enumerate the multitude of ſimilarly cogent and concluſive arguments on which this claim is founded. I have but one word more to ſay upon it. I ſtand at your bar, Sir, the leaſt of my countrymen in ability; yet I am bold to throw down my gauntlet to the whole hoſt of your Law, and at the hazard of my life defy them to produce one avowedly legal or conſtitutional inſtance of taxation without repreſentation; I mean an unequivocal, unqueſtionable inſtance. Inſtances there certainly are; but they have been declared totally illegal by thoſe moſt ſolemn Acts, the Statute *de taillagio non concedendo*, and the Revolution. If then Taxation and Repreſentation have ever been conſtitutionally united, is not the diſunion of them now a fundamental violation of Conſtitutional Liberty? If the attempt to diſunite them has been legally reſiſted in this Country, how comes the ſame reſiſtance in America to be Rebellion? If it is in conſequence of that reſiſtance only

only that you ſit here the effective Repreſentative of a free People, upon what principle can you condemn it in your fellow-ſubjects of America? There is no magic in the word Parliament, which makes it neceſſarily compatible with freedom to be bound by its law in all caſes whatſoever. It is the part that the People have in the Conſtitution of Parliament which renders it protective of liberty, gives ſecurity to the ſubject, and makes them happy in living under the Laws only to which they have conſented. Take away this intervention of the People, and Parliament will become only a plauſible inſtrument of tyranny; more formidable than the Decemviri at Rome, or the Ducentumviri at Athens. Yet under this pretext, which I can hardly call ſpecious, That Parliament, not in eſſence but in name, is the ſovereign conſtitutional Legiſlative in all caſes whatſoever, are the Americans to be ſubjected to a Government, in the Conſtitution of which they have no part; and required to pay obedience to Laws, to which they have not given their aſſent. Is it poſſible, Sir, that you can conceive a more compleat and perfect ſtate of ſlavery, than that in which the community is ſubject to a power over which they have no check or controul, in all caſes of life, liberty, and property? Yet, in the moment that you are ſubjugating the Americans to this bondage, they are inſulted with the mockery of being told, that your example ought to teach them "to have a due reverence for the Laws, "and a juſt ſenſe of the bleſſings of our excellent "Conſtitution." To mock them with the excellence of that Conſtitution of which you have deprived them, is putting human patience to the laſt trial, and urging them to deſperation.

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So much, Sir, for the right—The expediency of exerciſing it, even if juſt, may be very briefly diſcuſſed.

A multitude of Colonies, as various in their intereſts and abilities as in their ſituations and purſuits, are to be included in one general Tax, impoſed by men who are not, and never can be intimately acquainted with any one of them, ſo as to adapt the impoſition to the ability, the temper, the cuſtoms, and even the prejudices of the People. Sir, it is inevitable that the exerciſe of the right, in ſuch circumſtances, muſt produce ſo many inſupportable ſeverities as to drive the tameſt people upon earth into reſiſtance. It would beget a tyranny worſe than that of Turky. For the Grand Signor and his Divan, abſolute as they are, leave the mode of raiſing the ſums they require to the Provinces themſelves. But there is ſtill a conſideration that would aggravate this oppreſſion. The People are taxed already, and are liable to be taxed indefinitely by their Provincial Legiſlatures. Let us ſuppoſe, then, that theſe two taxing Powers, not communicating with one another, ſhould fix upon the ſame Tax—a Poll-Tax, for example. The Sheriff, who is the Provincial Collector, comes cloathed with the Civil Power of the Crown; the Soldier, who I underſtand is to be the Parliamentary Tax-gatherer, comes armed with the Military Power of his Majeſty. Which of the two is the poor man to obey? or is he to pay double for wearing his head, and more perhaps than the labour of his hands can poſſibly procure? Sir, in whatever light you view this aſſumed Power of Taxation without Repreſentation, it is ſo unconſtitutional, inexpedient, and oppreſſive, that no honeſt man, uninfluenced by thoſe prejudices and jealouſies

which have been grafted upon men's minds with ten years wicked induſtry, would bear the idea.

The Petitioners, therefore, may juſtly hope, that the firſt moment's cool conſideration will convince you, that to take their property from them without their conſent, is a grievance of the firſt and moſt dangerous magnitude; and that all the Laws to that effect ought therefore to be done away.

14th. Both Houſes of Parliament have reſolved that Coloniſts may be tried in England for offences alledged to have been committed in America, by virtue of a Statute paſſed in the 35th *H.* VIII. and in conſequence thereof, attempts have been made to enforce that Statute. An Act was paſſed in the 12th year of his Majeſty's Reign, directing that perſons *charged* with committing any offence therein deſcribed, in any place out of the Realm, may be indicted and tried for the ſame in any Shire or County within the Realm; whereby the inhabitants of theſe Colonies may, in ſundry caſes by that Statute made capital, be deprived of a trial by their peers of the vicinage.

Sir, by the operation of this Law, every poſſibility of proving his innocence, under a charge the moſt grievouſly puniſhable of any in our Law, is taken away from every man in America. The giving him the indictment, and names of the witneſſes againſt him, a certain number of days before his trial, which are proviſions by Law, in all proſecutions for Treaſon, to prevent ſurpriſe, and enable the accuſed to be prepared for his defence againſt ſo heavy a charge, would be utterly ineffectual (*b*). For to what end would a few days be

(*b*) By the 2d Ann, c. 21. all perſons indicted for High Treaſon, or Miſpriſion thereof, ſhall have not only a copy of the

be given to a man whoſe witneſſes were three thouſand miles diſtant? There is no compulſory proceſs in the Courts here, to call witneſſes from America. And if there were, there is no time to ſerve it. The procraſtination that would furniſh this time, were it attainable, would neceſſarily ſubject the accuſed to a long impriſonment and imputation that might be ruinous to his health, his credit, and his affairs. Were thoſe who could exculpate him ever ſo able and willing to undertake ſo long and expenſive a voyage, yet not knowing the charge, and ſtill leſs the particular parts of it to which his evidence ſhould be directed, how is it poſſible he ſhould come prepared for his defence? The character of thoſe witneſſes who ſupport a criminal accuſation is very material in a man's defence. But without knowing who theſe witneſſes are till he is brought here, in what manner is he to prove the infamy of their character, or the premeditated malice of their teſtimony, however notorious in America? In theſe circumſtances, who is it could eſcape from a proſecution for Treaſon, ſupported by all the powers of Government? When from the nature of the proceeding accuſation becomes evidence, and trial conviction, who is it will eſcape puniſhment? The tyranny of Imperial Rome was a ſtranger to ſuch violence as this. The Appeal to Cæſar was in behalf of the accuſed, and at his option, not in that of the accuſer. Nor is it wonderful that this Law is of a deeper die than any other arbitrary inſtitution, ſince it was made in the reign of the

the Indictment, but a liſt of all the Witneſſes to be produced, and of the Jurors empanelled, with their profeſſions and places of abode, delivered to him ten days before the trial, and in the preſence of two witneſſes; the better to prepare him to make his challenges and *defence*.

moſt abhorred tyrant that ever trampled upon the rights of Humanity. It was " particularly " in this bloody Reign of Henry VIII. that the " ſpirit of inventing new and ſtrange Treaſons " was revived (*i*)."

The Law for bringing over perſons charged with certain felonies is big with the ſame injuſtice. It muſt be obſerved, that the ground of ſubjecting the American to be dragged, like a felon, three thouſand miles from his family, his friends, and his affairs, is a—*charge* only; therefore, a man of the beſt character in America may, at the charge of the baſeſt, be ſeized upon, forced to Great Britain in chains; and when brought to his trial, if no evidence appear againſt him, he is diſmiſſed, after perhaps half a year's impriſonment, to return as he can to his afflicted friends. I have taken the moſt favourable ſuppoſition of no evidence appearing againſt him; becauſe ſhould any appear, however refutable or irreputable it may be, yet as he cannot have any for him, he muſt fall an inevitable ſacrifice, not to his crime, but to the cruelty and injuſtice of the Law.

Is there, Sir, a man in this Houſe, or in this Kingdom, who could ſleep in peace while ſuch an inſtrument of oppreſſion and of death hung over his head? Reverſe the propoſition, and ſuppoſe any one of you liable to be ſeized upon, and tranſported to America, to be tried for felony, upon a charge only. What would be your feelings, your anxieties, your reſentments? Even ſuch are thoſe of America. And are you then ſurpriſed that all America is in reſiſtance to ſuch Laws?—Can you call that reſiſtance criminal, much leſs Rebellion? You would youſelves reſiſt,

(*i*) Blackſtone's Comm. V. IV. p. 86.

no

no doubt, and boldly hazard every extremity rather than ſubmit to Laws fundamentally cruel and unjuſt.

But, Sir, I have heard it ſaid, that the dignity of Parliament is wounded by this reſiſtance. Can any man, then, ſo torture language as to call deſpotiſm dignity? Can you ſo err from commonſenſe as not to know, that true dignity conſiſts in doing right, and maintaining juſtice? It is a ruffian dignity at leaſt, that becauſe it has done wrong, perſeveres in it; and ſubſtitutes will and error, for juſtice and reaſon.

The reſiſtance complained of is the natural conſequence of theſe cauſes. Judge Blackſtone ſhall be my witneſs:—"Indeed it is found by ex-"perience," ſays he, "that whenever the un-"conſtitutional oppreſſions, even of the Sove-"reign Power, advance with gigantic ſtrides, "and threaten deſolation to a State, Mankind "will not be reaſoned out of the feelings of "humanity, nor will ſacrifice their Liberty by "a ſcrupulous adherence to political maxims, "which were originally eſtabliſhed to preſerve "it (*k*)."

The laſt Seſſions of Parliament, Sir, outſtripped very far the exceſſes of thoſe which preceded it. A Bill then paſſed the late Houſe to block up the Port of Boſton for the offence of ſome unknown perſons, who had deſtroyed a cargo of tea belonging to the Eaſt India Company. This dreadful indiſcriminate puniſhment involving thouſands in ruin for the offence of a few, was inflicted in violation of the firſt and eternal principle of law and juſtice, in condemning perſons without their being called upon to anſwer, without their being per-

(*k*) Black. Comm. V. I. p. 245.

mitted

mitted to hear the evidence againſt them, or to make their defence. It was in vain urged,—"That if judgment were immediately to follow "accuſation, the accuſed unacquainted with the "charge, and debarred from defending themſelves, every fence againſt falſe accuſations "would be pulled down, juſtice would no longer "be a ſhield, nor innocence an exemption from "puniſhment (*l*)." The conditions of the Bill were ſuch, as it was impoſſible for the Town to perform; and though the innocence of moſt of the inhabitants was certain, the guilt of any of them problematical, yet it amerced them immediately and irreparably to the amount of ſome hundred thouſand pounds by ſtopping their trade—condemned thouſands to beggary and want by rendering their uſual occupations impracticable—and even after all theſe ſufferings, and the performance of ſuch conditions, the reſtoration of their Port and property, or any part of it, was ſuffered to depend ſolely upon the will of the Crown. Sir, I challenge the hiſtory of human actions to produce an inſtance in which the cruelty, the cunning, the malignity of man's heart has contrived an Act of more violent injuſtice, and abſurd oppreſſion. This, however, was ſoon followed by a Bill, empowering the Governor of Maſſachuſet's Bay to ſend perſons indicted for murder in that Province to another Colony, or even to Great Britain, for trial.

The manifeſt operation, Sir, of this Bill, and indeed you know it was the intention of it, is to encourage the ſoldiery to ſlaughter the people, by exempting them from all apprehenſion of legal

(*l*) See the firſt Petition of the American Gentlemen in London.

puniſhment;

puniſhment; for it is in the power of the Governor to create ſuch obſtructions as effectually to prevent juſtice from overtaking the guilty whom he may protect.

I muſt again wiſh, Sir, for the honour of the late Houſe, that the annals of human barbarity could produce a ſimilar inſtance of enormous wickedneſs.

A third Bill, Sir, ſoon followed for altering the chartered Conſtitution of Government in the ſame Province. The effect of that alteration was, to make the middle branch of the Legiſlature depend upon the appointment and pleaſure of the Crown—to make Juries, who were before choſen fairly and indifferently by lot, ſummonable by the Sheriffs, who are appointed by the Crown—and to forbid all Town-meetings but at the pleaſure of the Governor. Thus a moſt arbitrary Conſtitution was eſtabliſhed upon the ruin of their former free one; and their Charter, ſolemnly granted under the Great Seal of England, was ſubverted without any legal proceſs, without any pretence or proof of forfeiture. Upon what tenure, Sir, I beſeech you, do the Americans hold their liberties, if every wind may thus waft over to them the ſubverſion of the old, and the eſtabliſhment of a new Conſtitution? What moment's peace or ſecurity can they enjoy, if the freedom ſacredly ſecured to them by Charter, and ſanctioned by the poſſeſſion of centuries, may to-morrow be converted into arbitrary power, eſtabliſhed over them unapprized, unſummoned, unrepreſented, and unheard?

Hitherto, Sir, the grievances which the Petitioners ſtate, has reſpected their civil liberties only—the Quebec Act eſtabliſhing the Roman Catholic religion and the French laws by the abo-

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lition of thoſe of England alarms their religious feelings. As the Act extends the limits of that Province in which Popery and Deſpotiſm are eſtabliſhed, ſo as almoſt to encircle the free Proteſtant Colonies, it wears the alarming appearance of a plan being fixed for reducing all the Provinces to the ſame civil, and perhaps religious bondage. Thoſe who conſider how long and juſtly jealous we have been of the Roman Catholic religion, how many Laws have been made from time to time to guard us againſt its approach, will not be ſurpriſed at their fears. I believe this nation would not remain long quiet, if an Act were to paſs for eſtabliſhing the profeſſion of that religion in Ireland. But it is yet more alarming to the Americans, becauſe they have ſeen that the encouragement of that religion is a ſettled ſyſtem with the preſent Miniſtry. They are perſuaded of this from having ſeen it eſtabliſhed in Granada by the King's Prerogative. In the year 1771, by the orders of the Secretary of State, Roman Catholics were admitted into both Houſes of the Legiſlature of that Iſland, in conſequence of which Aliens and Roman Catholics are veſted with both Legiſlative and Judicial authority by the power of the Crown, expreſly againſt Law, and in violation of every precaution and principle of the Revolution. If this Houſe ſhould ever be pleaſed to revive its ſleeping powers of control over his Majeſty's Miniſters, this dangerous and illegal exerciſe of the Prerogative will meet with the puniſhment it deſerves (*m*)."

(*m*) See the Letter of Patrick Maxwell, Iſrael Wilkes, &c. to Lord Hillſborough, in the Public Advertiſer, Feb. 18. 1772.

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Were the fears of your fellow-ſubjects ever ſo imaginary, ſome indulgence would, I preſume, be due to them upon ſo nice a ſubject. But when they are ſo well founded, I truſt this honourable Houſe will relieve them by repealing an Act, fraught with principles, both civil and religious, directly repugnant to thoſe ſecured by the ever-glorious Revolution.

The laſt Act of that eventful Seſſion which cloſes the detail of American grievances, was "For the better providing ſuitable quarters for "Officers and Soldiers in his Majeſty's ſervice in "North America."

To encourage the Provinces to be at the expence of building barracks, an Act was paſſed ſome years ago to exempt the inhabitants of ſuch places as did ſo, from having the ſoldiers quartered upon them; in conſequence of which barracks were built in many of the Colonies at the expence of the People. In the year 1768, Governor Bernard diſpenſed with the Law by his Prerogative (*n*); but this being thought, even by the Miniſtry, a little preſumptuous, they came to the laſt Parliament, as the patrons of all violence and injuſtice, and obtained a diſpenſation from keeping the Public Faith here, after the conditions had been performed there. Under ſo ſhameful a violation of Parliamentary Faith, what confidence, what reſpect can you deſire from America? What other bond of Government will be left you, but fear? And let me aſk in the words of the ſagacious Beccaria, "What ought we to think of that Govern-"ment which has no other means of managing "the ſubject, but fear (*o*)?"

(*n*) See his Letter to the Earl of Hillſborough, Nov. 1, 1768.
(*o*) P. 170.

Theſe, Sir, are the grievances under which the Petitioners groan; grievances, which receive tenfold exaſperation from the bitter reflection of their being inflicted by the Parental Land, from which they expected benefits and bleſſings. The complaints, therefore, are forced from hearts bleeding with the moſt poignant injuries, and overwhelmed with the apprehenſion of impending deſtruction. Amid the dark cloud of ills and horrors that ſurround them, the remembrance of thoſe ties which united them to this country, the recollection of the reſpect and affections which they are to violate, deepens the diſtreſs, and doubles the horror of their ſituation. They lament that they are upon the eve of being "expoſed to unexpected and unnatural ſcenes of diſtreſs, by a contention with "that Nation in whoſe parental guidance, on all "important affairs, they have hitherto, with filial "reverence, conſtantly truſted."—*Sunt lachrymæ rerum et mentem mortalia tangunt.* The Parent Heart will at length feel, the ſupplications of her children will be heard, and ſhe will pour the balm of pity and redreſs upon the wounds ſhe has inflicted. Then, too, I ſhall hope, Sir, that your indignation will fall on thoſe dangerous and deſigning men, who daringly interpoſing themſelves between the Parent Country and her affectionate Colonies, have, for ſeveral years paſt, been inceſſantly employed to diſſolve every tie that united us, by abuſing the Royal Authority, miſrepreſenting the intentions and actions of your American fellow-ſubjects, and proſecuting the moſt deſperate projects of avarice and ambition. Then, Sir, it will be ſeen who they are, who, by ſecret accuſation and open provocation, by treacherous private letters, or inſidious public ſpeeches, have miſrepreſented That and miſled This country, have planted

jealouſy

jealouſy here and paſſion there, till at length, by the force of accumulated injuries, and violent oppoſition, we are almoſt compelled to leap the fatal precipice of civil war.

Sir, the Petitioners aſk but for Peace, Liberty, and Safety. And is it conſiſtent with Britiſh magnanimity and juſtice to refuſe them theſe? Without any queſtion of your right, they pray only for a repeal of ſuch exertions of it, as have been felt as grievances not to be endured. To complain of injuries is the privilege of Humanity, to relieve them is the office of Juſtice. It is natural for diſappointed ſupplication to end in deſperate reſiſtance.

I have endeavoured, Sir, to ſhew, that every one of the grievances recited in the exordium of the Petition are real, and wound deeply the great, the ſacred Rights of Life, Liberty and Property.

The Petitioners, however, in a temper of moderation, which, I hope, will make a very favourable impreſſion on this Honourable Houſe, have ſtated only the moſt ſevere, as eſſential to their relief; truſting, as they expreſsly declare, "in the magnanimity and juſtice of his Majeſty "and Parliament for a redreſs of their other griev-"ances." "Filled," ſay they, "with ſentiments "of duty to his Majeſty, and of affection to our "Parent State; a duty and affection deeply im-"preſſed by our education, and ſtrongly confirm-"ed by our reaſon; and anxious to evince "the ſincerity of theſe diſpoſitions, we preſent "this Petition only to obtain redreſs of griev-"ances, and relief from fears and jealouſies oc-"caſioned by the ſyſtem of Statutes and Regu-"lations adopted ſince the late war—for raiſing a "revenue in America—extending the powers of "Courts of Admiralty and Vice-Admiralty—"trying perſons in Great Britain for offences alledg-

" ed to be committed in America—affecting the Pro-
" vince of Maſſachuſett's Bay—altering the Go-
" vernment, and extending the limits of Quebec—
" by the abolition of which ſyſtem, the harmony
" between Great Britain and her Colonies, ſo ne-
" ceſſary to the happineſs of both, and ſo ardently
" deſired by the latter, and the uſual intercourſes
" will be immediately reſtored."

The original cauſe of every grievance and of every violence which has ſhaken the whole Empire, and is haſtening its deſtruction, was, the taking the property of the Americans without their conſent. The avowed purpoſe of doing this, was " to defray the charge of their Civil Govern-
" ment, of the adminiſtration of juſtice, and for
" their defence, protection, and ſecurity." To ſhew that ſo extraordinary an exertion of power is unneceſſary, the Petitioners, Sir, declare, " That
" ſuch proviſion has been and will be made for
" defraying the two firſt articles, as has been and
" ſhall be judged by the Legiſlature of the ſeve-
" ral Colonies juſt and ſuitable to their reſpective
" circumſtances; and for the defence, protection,
" and ſecurity of the Colonies, their Militias, if
" properly regulated, would be fully ſufficient, at
" leaſt in times of peace; and in caſe of war, your
" faithful Coloniſts will be ready and willing as
" they ever have been, when conſtitutionally re-
" quired, to demonſtrate their loyalty to your
" Majeſty, by exerting their moſt ſtrenuous ef-
" forts in granting ſupplies and raiſing forces."

For proof of their zeal and activity in granting ſupplies and raiſing forces, I appeal to your own Journals during the late war. You will there find, Sir, repeated declarations of it by his late Majeſty, who beſt knew the facts. Thoſe declarations were adopted and confirmed by the Houſe, and by Parliament.

liament. There is not the leaſt reaſon to doubt their equal exertions on a ſimilar emergency. There cannot, therefore, be any pretence of neceſſity for the interpoſition of this dictatorial power of Parliament: much leſs can there be any good reaſon to warrant the continuance of thoſe penal and oppreſſive laws, which were made avowedly for the purpoſe of maintaining the exerciſe of that power. On what ground then, Sir, can there be a moment's doubt about gratifying the earneſt prayers of all America in repealing theſe Acts, when that Repeal will immediately reſtore the confidence and harmony which his Majeſty's Miniſters have themſelves proclaimed to all America, as eſſentially neceſſary to the welfare and proſperity of this kingdom? The intereſts and intreaties of all the Merchants and Manufacturers concerned in the queſtion urge the ſame meaſure. Nothing elſe can ſave us from the moſt fatal diviſion, and prevent a civil war, with all its attendant train of horrible calamities. Peace, proſperity, and reconcilement attend on retraction—diviſion, deſolation, and ruin, on perſeverance.

I am ſenſible, Sir, of having already engroſſed too much the patience and attention of the Houſe; yet I muſt intreat your farther indulgence, while I take a ſhort review of the riſe and progreſs of this unhappy diſpute.

The commencement of the laſt war found the Colonies, like ſo many arrows in the quiver of the Parent State. It was then that the Houſe of Lords declared them to be "a large body of "uſeful ſubjects."

Was their conduct, during the war, adequate to expectations formed of ſuch ſubjects? Your Journals and your Statute-Books will anſwer the queſtion. It is there recorded by the teſtimony of

of the King, of this Houſe, of Parliament itſelf, that they "exerted themſelves in defence of his "Majeſty's juſt rights and poſſeſſions with the "active zeal and vigour of faithful ſubjects (*p*)."

In that province which has been ſingled out for every ſeverity and oppreſſion, Governor Bernard's teſtimony of their zeal and activity in granting money and raiſing men, ſo far down as the year 1762, is clear and concluſive: "The una-"nimity and diſpatch with which you have com-"plied with the *requiſitions of his Majeſty*, require "my particular acknowledgement; and it gives "me additional pleaſure to obſerve, that you have "therein acted under no other influence than a "due ſenſe of your duty, both as *members of a* "*general empire*, and as the body of a particular "province.

"It will always be my deſire, that *freedom and* "*independence* ſhould prevail in your Councils, "and that the whole credit of your proceedings "therein ſhould be placed to your *own account*. "It will be a ſufficient honour for me to preſide "over a people, whoſe motives to loyalty and "public ſpirit ariſe from their own breaſts"

The ſame Governor again ſays, "Whatever "ſhall be the event of the war, it muſt be no ſmall "ſatisfaction to us, that this Province has con-"tributed its full ſhare to the ſupport of it. Every "thing that has been required of you hath been "moſt readily complied with; and the execution of "the powers committed to me, for raiſing the Pro-"vincial troops, hath been as full and complete "as the grant was. Never before were regiments "ſo eaſily levied, ſo well compoſed, and ſo early "in the field, as they have been this year.

(*p*) Journals, 26th of April, 1759.

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" The common people ſeemed to be animated
" with the ſpirit of the General Court, and to
" vie with them in their readineſs to ſerve the
" King. The ample proviſion which has been
" already made, leaves me nothing to aſk for the
" immediate ſervice."

With this authentic, deciſive evidence before us, it is impoſſible, Sir, to help aſking what has damped the ardour, abated the activity, repreſſed the readineſs of theſe people to contribute to the exigencies of this country? What is it that has brought upon them the imputation of being in a ſtate of criminal reſiſtance to the juſt authority of this country?

Is it poſſible to give any reaſon for ſo great, ſo deplorable an alteration, but that, inſtead of aſking their money of them, you have commanded it from them—inſtead of exerciſing your ſupreme power for the general good, you have employed it to their particular injury? How comes it, that in two years after theſe unqueſtionable proofs of their readineſs to contribute to the utmoſt of their abilities, when conſtitutionally required, in men and money, for the defence of his Majeſty's juſt rights and poſſeſſions; that it was thought proper to impoſe taxes upon them by authority of Parliament, without their conſent? This was the cauſe of all the ſubſequent complaints and commotions; and this, before the ink was well dry with which you recorded thoſe very ſervices, that proclaimed ſuch an attempt to be unwarranted by neceſſity and juſtice. In two years time, not even two, you reſolved to violate their privileges as freemen, and annihilate the very exiſtence of property among them—For what? To obtain money which, by your own acknowledgement, they, when in the full and free enjoyment of their privileges, con-

tributed to your wants with ſuch zeal and readineſs, as left you nothing more to aſk. On what counter-evidence, on what pretence of propriety, on what unheard of change in the ſentiments of the Colonies was this extraordinary mode adopted? Sir, I do not mean to reflect upon any man's character or memory. But I wiſh to induce this Houſe to do America and itſelf the juſtice of conſidering, that as the cauſe of all the diſturbances in the Colonies originated here, it is from hence that the reſtoration of things to their former peaceable and approved channel ought to move. It is redreſs alone that can produce reconciliation.

How long will you ſin againſt reaſon and experience? How long will you be learning that Liberty is the vital principle of Britiſh Government? Let the example of Ireland, Wales, and the Palatinates, inform you that the only band of peace and order among Britiſh Subjects is Liberty. It is this only that, as it animates their induſtry, and promotes their proſperity; ſo it creates their confidence in, and obedience to Government. If you wiſh *volentes per populos dare jura*, you muſt govern them upon the principles of Freedom. Repreſentation is the firſt and greateſt of theſe principles; and without this your Government will never be obeyed. In point of Revenue too it is abſolutely neceſſary. Need I tell an Aſſembly of Freemen, the Repreſentative of a Free People, that Revenue will ever flow in more copious ſtreams from *free gifts*, than from *forced impoſitions?*

The Stamp Act paſſed ſoon after, with the avowed diſſent of America. The conſequence was, that the whole Continent was immediately thrown into the moſt violent commotions. Upon a conviction of its pernicious conſequences, a conviction derived from the fulleſt examination at your

your Bar, upon the Petitions of all the trading and manufacturing towns in the kingdom, the Stamp Act was repealed. The re-eſtabliſhment of peace and order in America followed that repeal. Addreſſes of thanks for it were voted by all the Aſſemblies. They paſſed over the Declaration of Right that accompanied that Repeal with reſpectful ſilence. Such was their repugnance to diſpute with the Parent State, or prevent the renewal of that harmony which ſeemed to be cordially deſired. In the ſame diſpoſition, the Aſſembly of the Maſſachuſett's complied with the Mutiny Act, though it touched their privilege for which they had ſo ſtrenuouſly contended, the privilege of granting freely their own money.

But, Sir, ſome fatality ſeems to have determined, that every year ſhould carry new cauſe of diſcontent from hence to America. The next year, therefore, after the repeal which had produced ſuch happy effects, a new Revenue Act was paſſed for America, without any new reaſon aſſigned, or aſſignable, to the aſtoniſhment of this country, to the amazement and grief of that. The revival of the cauſe of courſe revived the diſcontents. So ſtudious, however, were they to avoid offence, that without any tumult, riot, or diſorder, the Aſſemblies repreſented their ſenſe of it in humble Petitions. Unſucceſsful Petitions produced Remonſtrances, yet in meaſured terms of reſpect and moderation. This was ſo remarkable, that Governor Bernard was compelled to give his teſtimony ſtrongly in their favour.——
" They have acted in all things, even in their
" Remonſtrances, with temper and moderation;
" they have avoided ſome ſubjects of diſpute,

" and have laid a foundation for removing ſome " cauſes of former altercation (*n*)."

This is an inconteſtable proof, Sir, that this, though deemed the moſt violent Colony, was diſpoſed to repreſent its grievances in the moſt moderate and reſpectful terms, till the outrageous conduct of the Earl of Hillſborough forced them into ſome degree of warmth.

That the ſame temper prevailed in all the Colonies, the following extract from Lord Hillſborough's Circular Letter to their Aſſemblies is unqueſtionable evidence:

Whitehall, April 21, 1768.

" THE repeated proofs which have been given " by the Aſſembly of their reverence and reſpect " for the Laws, and of their faithful attachment " to the Conſtitution, leave little room in his Ma- " jeſty's breaſt to doubt of their ſhewing a proper " reſentment of this unjuſtifiable attempt to re- " vive thoſe diſtractions which have operated ſo " fatally to the prejudice of this Kingdom and " the Colonies;—and accordingly his Majeſty has " the fulleſt confidence in their affection, and ex- " pects they will give him the ſtrongeſt proofs of " them on this and every other occaſion.

" HILLSBOROUGH."

I have already ſtated to you, Sir, that this horrible attempt was nothing more than the Maſſachuſet's informing the different Aſſemblies of their having petitioned the King. I do not mean to remark upon that unhappy confuſion of ideas, which made the Noble Lord miſtake the effect for

(*n*) See his Letter to Lord Shelburne, Jan. 21, 1768.

the

the cauſe; and impute that to the Petition which manifeſtly aroſe from a revival of the principle of giving their property, for the purpoſe of Revenue, without their conſent, in an Aſſembly where they are not repreſented. But the Houſe will do me the juſtice to obſerve, that my evidence of the moderation of America—of their reverence and reſpect for the Law—and of their faithful attachment to the Conſtitution, is taken from men who know the facts too well to err, and who cannot be ſuſpected of partiality ſo much to the People or their Cauſe, as to miſtate them in their favour.

Again, therefore, I muſt entreat you to conſider, what it was that moved them from this moderation, this reſpect for the Laws, and attachment to the Conſtitution. That conſideration will convince you, that whatever violence of oppoſition has ariſen in America, has been conſtantly preceded by violent irritation from this Country. Every Seſſion of Parliament has ſent, under the councils of the ſame evil Miniſters, its firebrands into America. Every Seſſion has ſet its heel in her ſide to ſpur and goad her into deſperate reſiſtance, or, as ſome are pleaſed to call it, Rebellion. Like Rehoboam to the Children of Iſrael, the little finger of the one has been made heavier than the loins of its predeceſſor; and inſtead of the whips complained of, you have laſhed them with ſcorpions.

The cauſes being thus known, Sir, the effects are eaſily removed. Repeal theſe angry exertions of your authority—recal your Miniſters of diſcord and deſtruction—redreſs their accumulated grievances; and the ſame temper, the ſame reverence for the Laws, the ſame faithful attachment to this country, which even their enemies

were obliged to acknowledge and to praiſe, will be immediately reſtored. For God's ſake, Sir, do not, by perſiſting, urge them to that extremity in which, to uſe the words of a learned Judge, "the neceſſity and ſafety of the whole "will require the exertion of thoſe inherent, "though latent, powers of Society, which no "climate, no time, no conſtitution, no contract, "can ever deſtroy or diminiſh (*o*)."

I have the authority of a man of great learning to declare, that hiſtory cannot afford one example where any *out* Province or remote Colony ever rebelled againſt the Mother Country, or Chief Seat of Government, but through inſupportable rigour and oppreſſion (*p*). Thus Tacitus too judiciouſly obſerves, "that the Roman Com-"monwealth fell under the power of the Em-"perors from the Out-Provinces not being longer "able to endure the tyranny of the Senate." What the Privernates anſwered to the Romans, is worthy the utmoſt attention of this Houſe. "If "the terms you grant us," ſaid they, "are good, "our union will be perpetual—if unjuſt, it can-"not be laſting." The Romans had virtue enough to admire this anſwer, and admit them citizens of Rome. America, Sir, has given proof of equal candour and ſpirit; it remains with you to ſet an example of Roman dignity and virtue. Nor can I help mentioning to you an obſervation, which I think full of the ſoundeſt wiſdom, "That the "better you preſerve the Conſtitution of Ireland, "and of thoſe Plantations dependent on England, "the better you will preſerve our own. It will be

(*o*) Blackſt. Comment. V. I. p. 245.
(*p*) Mr. Molineux.

"a barrier

" a barrier to yours, to prevent any invaſion of " theirs (*q*)."

Let me then, Sir, once more recal your attention to the original cauſe of the diſpute. You would take their money from them, without the conſent of their Repreſentatives, becauſe you ſay they will not grant it themſelves for the ſupport of Government, and their defence and protection. The purpoſes are plauſible enough, but not more ſo than thoſe under which the Crown juſtified the levy of ſhip money upon the people of this country, without the conſent of *their* Repreſentatives. My argument therefore in defence of the Colonies, ſhall be that of Juſtice Crook in the caſe of Mr. Hampden :—" It has been ſaid that " tonnage and poundage is not now granted to " the King, and therefore the King is forced to " theſe extraordinary courſes.—Though it be *not* " *granted*, yet I think it is taken; and I doubt " not but to the ſame intent for which it was " firſt granted, the defence of the kingdom and " guard of the ſeas. It is objected, that perhaps " Parliament would not have conſented, and ſo " the kingdom might have been loſt. It is not " to be preſumed, that the Parliament would " deny to do that which is fit for the ſafety and " defence of the kingdom—*their own eſtates and* " *lives being in danger*."

Mr. Hume has recounted the ſentiments of the People upon the ſame ſubject in the following words :

" The amount of the whole Tax was very mo- " derate, little exceeding 200,000l. It was diſ- " tributed upon the people with juſtice and equali-

(*q*) Proteſt of the Lords, 19th of March, 1720.

" ty,

" ty, and the money was entirely expended upon " the Navy, to the great honour and advantage of " the kingdom; yet all theſe circumſtances could " not reconcile the People to the impoſition. It " was entirely arbitrary. By the ſame right any " other tax might be impoſed; and men eſteemed " a powerful fleet, though very deſirable, but a " poor recompence for all their liberties, which " were thus ſacrificed to the obtaining it (r)."

Such is the language, and ſuch the ſentiments of America at this day. The cauſe is the ſame. We know what were the conſequences of perſeverance then; and we may judge from thence what will be the event of perſevering now. It is not to be credited, Sir, that this Houſe, with the evidence and admonition of your own hiſtory before you, will " ſuffer the tranſcendant relation formed by con- " ſanguinity, intercourſe, affection and reſpect, to " be farther violated, in uncertain expectation of " facts, which, if attained, never can compen- " ſate for the calamities through which they muſt " be gained." Your commerce with them, their confidence in you, their attachment to you, their zeal and activity in your ſervice, and perhaps their very connection with you, muſt all be ſacrificed—for what? To eſtabliſh a ſupreme power which they have not queſtioned—to maintain the Jacobite doctrine, that taxation is no tyranny—and to obtain a pepper-corn Revenue, which will hardly ſuffice for the pooreſt penſioner upon your numerous liſt.

I come now, Sir, to an argument which I combat by compulſion and with concern. When I conſider the golden ties of blood, amity and in-

(r) Hiſtory of Eng. V. v, p. 214.

tereſt,

tereſt, commercial, civil and religious, which did unite us, and but for this unhappy diſpute might have for ever united us; I am grieved to hear the little, iron, ignoble, miſerly points of controverſy agitated. But when the whole or a great part of the expence of laſt war is charged to the Colonies —when in ſpeeches both within and without theſe walls it is gravely ſaid, that the war was undertaken and carried on ſolely for their ſecurity and protection—and when this is made a ground for ſtripping them of their eſſential rights, of every real ſecurity to life, liberty, and property, which the unviolated and unperverted Conſtitution gives —it becomes neceſſary to prove that the aſſertion is untrue, and the concluſion unjuſt.

It was a common War, undertaken againſt an old and common enemy, to repel a common danger, carried on by common and united efforts to acquire and ſecure common benefits—Benefits, however, more valuable to you, inaſmuch as all acquiſitions are yours, and all commercial advantages are controuled and regulated to your particular intereſts. With regard to the cauſe of the War, is there a man living who doubts that it was the antient inveterate enmity of France to Great Britain? At whatever part ſhe aimed the firſt blow is ſurely immaterial. Whether the intereſts of Great Britain were moſt vulnerable in Europe, Aſia, Africa, or America, is problematical; but that her intereſts were aimed at cannot be doubted. But which part was deemed moſt in danger, to the defence of which part therefore the moſt expence was applied, let your Journals of that period ſpeak. At the commencement of the War you ſent two thouſand men to defend the vaſt continent of America, and you imported ſixteen thouſand,

ſand, in addition to your own eſtabliſhment, for the protection of this Iſland. During the progreſs of it, you had forty thouſand in America, and ninety thouſand in Germany. If Virginia was attacked, was not Hanover invaded—were not Ireland and England threatened—and if Braddock was ſent to America, was not the Duke of Cumberland with an army of obſervation diſpatched to the protection of Hanover? What was the mighty aid given to the Colonies? Let the King's Speech of November 13, 1755, inform us. "Proper "*encouragement* has been given to the ſeveral Co- "lonies to exert themſelves in their own defence, "and in the *maintenance of the Rights and Poſ- "ſeſſions of Great Britain.*"—It ſeems then, that the Americans were not only to defend themſelves, but the rights and poſſeſſions of this Country; and it appears from repeated public acknowlegements, that they did this with zeal and alacrity. Upon what pretence of truth, with what colour of juſtice, therefore, can the cauſe, the purpoſe, and the expence of the War be charged to them? It is unjuſt, it is unmanly. The rights and poſſeſſions of Great Britain were attacked, the intereſts of the whole empire were endangered; therefore the whole empire united in repelling it. His Majeſty tells his Parliament, in 1755, that "there never was a ſituation in which his honour, "and the eſſential intereſts of Great Britain, called "more ſtrongly for their zeal, unanimity, and "diſpatch."

The Commons reply in their Addreſs, Nov. 14, 1755, "We think ourſelves bound in juſtice and "gratitude to aſſiſt your Majeſty againſt inſults "and attacks that may be made upon any part "of your Majeſty's dominions, though *not be-*

"*longing*

" *longing* to the *Crown* of Great Britain, in re-
" ſentment of the part your Majeſty has taken in
" a cauſe, wherein the intereſts of *this* Kingdom
" are *immediately and ſo eſſentially* concerned (*q*)."
Will any one after this be idle enough to maintain that the War was an American War—commenced for her, carried on for her, concluded for her? that the danger was not general, the intereſts not general, the exertions not general? Whoever is bold enough to affirm this, muſt produce higher authority than the King, his Two Houſes of Parliament, and the authentic Records of the Time.

But it has been ſeriouſly ſtated, if my memory does not fail me, that this country pays annually eighteen hundred thouſand pounds in diſcharge of the intereſt of a debt incurred for America in the laſt war. Upon this ſtatement, it is concluded to be both juſt and neceſſary to tax the People of America for the re-payment of that ſum (*r*). By this calculation the principal expended muſt have been been about fifty millions.

Let us, Sir, examine the truth of this by the teſt of your own Journals. The eſtimate ſtands thus:

	£.
The whole expenditure in 1755 was	7,229,000
The part of it expended in the American War, including Sea and Land ſervice, with the compenſation to the different Provinces	843,783
Ditto, in 1756 - - - - - - -	10,486,000
Ditto, for the Colonies - - - - -	1,440,463

(*q*) Journals of the Commons.
(*r*) Lord North's Speech upon his memorable Motion.

	£.
Ditto, 1757 - - - - - - - - -	10,486,457
Ditto, the Colonies - - - - -	1,334,000
Ditto, 1758 - - - - - - - - -	12,749,000
Ditto, the Colonies - - - - -	1,786,410
Ditto, 1759 - - - - - - - - -	15,504,000
Ditto, the Colonies - - - - -	1,690,000
Ditto, 1760 - - - - - - - - -	19,616,000
Ditto, the Colonies - - - - -	1,866,035
Ditto, 1761 - - - - - - - - -	18,299,000
Ditto, the Colonies - - - - -	1,830,397
Ditto, 1762 - - - - - - - - -	13,522,000
Ditto, the Colonies - - - - -	1,324,000

The concluſion from this is, that the total amount of the money expended laſt war, was - - -	104,891,000
Of which the Colonies coſt - -	11,814,000

I have included in this eſtimate all the yearly compenſations made by Parliament to the different Provinces for their extraordinary exertions, and the ſeveral expeditions againſt the French Weſt-India Iſlands, which were wholly or in part fitted out by the Sea and Land Forces charged in this eſtimate to America. But admitting that the other eſſential rights and intereſts of Great Britain had not been endangered; that America, and America only, was the object of invaſion and defence—would the monopoly of her commerce, which you always enjoyed, and might for generations enjoy, reimburſe you this expence? You have poſſeſſed this monopoly 174 years; allow the profit of it to have been on an average

N. B. The 104 millions above ſtated, are not the debt incurred, but all that was expended during the war.

90,000 *l. per annum*, and you are already overpaid. Yet the profit muſt have been infinitely more, or our anceſtors would not have conſtantly conſidered, cultivated, and guarded this monopoly as the moſt precious jewel in the Britiſh Commerce. When you conſider too that this monopoly is as rapidly increaſing in value, as the Colonies increaſe in commerce, cultivation and inhabitants, it will appear that this, were it this only, is more than a compenſation for the ſums you have expended in ſecuring it. For what other reaſon did you defend Portugal, but becauſe her commerce was valuable to you? Yet that commerce is not under your controul, and therefore uncertain.

Well, but you have been at a vaſt expence, and incurred a prodigious load of debt in carrying on the laſt war. True. But have you acquired nothing? Is Canada and the Floridas nothing?—Is Grenada, St. Vincent's, Tobago, &c. nothing?—Is the Fiſhery nothing? Is the extenſion and ſecurity of the Eaſt India trade, which produces more than two millions annually for the Revenue, and the acquiſition of the territorial, which netts more than one million and a half yearly, and is claimed by the State here, nothing?—Is Senegal and Goree nothing?—Were the millions received from the Havannah, Martinique, and Guadaloupe, before the ceſſion of them (*s*) nothing?—Is the extenſion of your own commerce and empire, and the abaſement of thoſe of your enemy and rival, nothing?

Whoever contemplates the incomputable value of theſe *nothings*, will, I am ſure, confeſs; that the millions expended in acquiring them were indeed

(*s*) The import of money only from the Havannah was £.1,395,300. See Obſervations on a State of the Nation.

as nothing. To evince this, I will ſtate from the Reports of the Select Committee, the profit of the Revenue from the Eaſt Indies alone in one year, 1772;

	£.
Cuſtoms and Exciſe on Tea - - -	750,000
Indemnity on ditto - - - - - -	117,000
Cuſtoms on Exports - - - - -	800,000
Compoſition for the Duannee - -	400,000
Total	£. 2,067,000

It is true the compoſition is now given up, in conſideration of the preſent diſtreſs of the Company; but it is underſtood to be with an intent to claim the territorial Revenue itſelf, which in the ſame year amounted to the nett ſum of £. 2,308,000.

And now, Sir, may I preſume to hope that ſome reaſon has been offered to make you doubt, whether the protection of America was the ſole cauſe of the war, or the increaſe of our National Debt incurred chiefly for her? whether the benefits acquired by Great Britain are not more than might, if properly managed, reimburſe her expence, and make her the moſt powerful Nation upon earth? Would you indeed relieve the public taxes and reduce the National Debt, call to a ſevere account the public Plunderers and Defaulters; repreſs the profuſe expenditure of public money for corrupt purpoſes. Be an inquiring, avenging, redreſſing, reforming Houſe of Commons. The whole of your compenſatory grants to the Colonies during the war, for all the blood and treaſure they expended, was one million. Is there a Member in this Houſe, or even a man in the Kingdom, who does not believe, that a ſingle German

German Commiſſary plundered the Public in a few years of as great a ſum? Was not Hanover defended and protected by the arms, or at the expence of this Country? What has Hanover repaid us? What monopoly of her trade have we to reimburſe us? The Revenue from thence is half a million—but the Nation gains not half a farthing (*u*). If then, Sir, the reaſons for demanding a Revenue from America are manifeſtly erroneous, I preſume the concluſion from them, that it is "juſt and neceſſary to impoſe taxes upon "the People there by authority of Parliament," will be deemed equally indefenſible.

I am however afraid, that there is another motive for ſeverity againſt the Colonies. You are jealous of their growth, and of their becoming independent. Jealouſy is a difficult antagoniſt to encounter or overcome. It is a monſter that makes the food it feeds on. They are not your friends who endeavour to make you jealous of your Colonies. They may prompt you to throw away the richeſt pearl that ever Nation poſſeſſed. With the growth of the Colonies, and in exact proportion, muſt your Trade, your Marine, your Revenue, your Riches grow. The preamble, therefore, to the 13th *G.* II. ſays wiſely, "Where-"as the increaſe of people is a means of advancing "the wealth and ſtrength of any Nation or "Country, therefore they will encourage it in the "Colonies." By what new light is it, by what ſecond ſight, that we are become ſo much wiſer than our anceſtors? How comes it that we view That with an evil eye which was the conſtant object of their care and cultivation? But if the natural courſe of things would in time produce this

(*u*) See Lord Cheſterfield's Letters.

dreaded

dreaded event, are we not endeavouring to accelerate it? To injure, irritate, and oppreſs them; to alienate all confidence in our juſtice, and all affection for our name; to make fear the ſole principle of our Government, the ſole bond of our connection; is not this to rouſe into action thoſe powers which would probably ſleep for centuries under the harmony of mutual intereſts, confidence, and affection? Nor is the apprehenſion of their independency more rational. Is not the reſtraint of their Commerce yours? Are not their Civil and Military Eſtabliſhments under controul of the Crown (*x*)? Is not the convocation, prorogation, and diſſolution of their Repreſentatives veſted in the Crown? Are not all their Acts ſubjected to the will, firſt of his Majeſty's Governor, and then of his Majeſty himſelf and his Council? Do not you controul the Miniſters who adviſe the Crown in the exerciſe of theſe Powers? Where is the probability, then, of their becoming independent? Can there be a more infallible proof of the weakneſs of a cauſe, than that of its being obliged to ſuch groundleſs alarms for its ſupport?

It is farther charged againſt the Colonies, that this country was at the expence of ſettling them; and therefore has a right to command the fruits of their labour. If the premiſes be true, let the record of the public grants made for the ſettlement of New England, New York, Penſylvania, Maryland, Virginia, and the Carolinas, be produced. If theſe cannot be found, it will be very ſuſpicious that no ſuch grants were made; and,

(*x*) It ſeems they are now embodying men; but it is in conſequence of their having been compelled to have recourſe to thoſe inherent rights, which we are aſſured by Judge Blackſtone no climate, no conſtitution, no compact, can take away.

there-

therefore, that theſe Colonies, ſo beneficial as they have been in extending the trade and commerce, and increaſing the people and the wealth of this Kingdom, were planted and maintained at *private not public* expence. And for this we have the evidence of the charters, which generally recite that the adventurers themſelves, at *their great charge, and the adventure of many of their lives, which they hazarded in the diſcovery and plantation of the ſaid country, effected ſettlements ſo profitable to this Kingdom.*

I cannot help flattering myſelf, Sir, that this evidence is irreſiſtible; and that the following concluſion from it is inevitable:—*That the deſcendants of thoſe adventurers, and ſuch as claim under them, are, by all Laws divine and human, entitled to the free and abſolute poſſeſſion, and enjoyment, diſpoſal and government of that country and property which their Anceſtors thus purchaſed at the hazard of their lives and fortunes; ſaving, as was originally ſtipulated, to the Crown of Great Britain, the extenſion of its empire and dominions; to the People, the increaſe of their Trade and Commerce:* that is, acknowledging him who wears the Crown of theſe realms to be their King; and the Parliament to have the controul and ſuperintendence of their Commerce. If there be any ſuch thing as juſtice upon earth, if the antient fiction of Aſtræa having forever abandoned this globe be ſtill a fable; then I may venture to affirm, that whatever proceeding contravenes the above poſition, is a breach and violation of the original compact, and of public faith.

It is excedingly curious, Sir, to conſider, at what a very ſmall expence of People to this kingdom, the wonderful population of the Colonies has

has been produced. If we ſuppoſe the preſent number to be three millions, we may I think compute one-fourth to be foreigners and their deſcendants, which will leave two millions and a half to be accounted for. It is admitted, upon unqueſtionable facts, that the inhabitants double, by natural increaſe, in twenty years. From the firſt ſettlement it is now 174 years. In that time, and with the above increaſe, ten thouſand people will give more than the two millions and an half. The progreſs will be thus:

In the year	1600	——	10,000 Souls.
	1620	——	20,000
	1640	——	40,000
	1660	——	80,000
	1680	——	160,000
	1700	——	320,000
	1720	——	640,000
	1740	——	1,280,000
	1760	——	2,560,000

There remain by this computation fourteen years, and yet the number required is obtained. This is a full allowance for the other Colonies having been ſettled later than 1600, becauſe the progreſſion is ſo much more rapid at the end than at the beginning.

At the expence of ſo ſmall a number, which had they remained here, would not have been twenty thouſand, are you indebted to the toils and intrepidity of the firſt ſettlers for ſuch a vaſt and ſplendid acceſſion of empire, ſtrength, and wealth. And yet, can it be credited of a great and magnanimous people, you are not contented with the advantages you derive from controlling the deſcendants of thoſe meritorious men to whom

you

you are ſo much indebted, in the mode of acquiring property moſt advantageous to yourſelves; but you are preparing to ſeize by force that property which they have acquired under that controul. As if envious of the proſperity to which their induſtry, under every hardſhip and reſtraint, has advanced them; you threaten their deſtruction, if they do not lay the fruits of that induſtry, with their lives and liberties, abſolutely at your feet. Is this the magnanimity they are to reſpect; is it the juſtice in which they are to confide?

To thoſe who firſt ſettled the country, and prepared the way for the eaſy acceſs and accommodation of others, are you farther indebted for that valuable acceſſion of foreigners, who are now your uſeful fellow-ſubjects in America. An Act of 13 G. II. gives ſuch ſettlers all the privileges of natural-born ſubjects, and held out as inducements to foreigners to emigrate to the Colonies, "the "lenity of our Government, the purity of our "Religion, the benefit of our Laws, the ad-"vantages of our Trade, and the ſecurity of Pro-"perty." May I be permitted, Sir, to aſk, Where are now the benefits for which Parliament has thus pledged its faith?—*The lenity of your Government!* To reject, with menace and contempt, petitions from the People; to execute upon them by force of arms, Laws made without their conſent, and univerſally obnoxious to them; to demand from them, at the point of the bayonet, unconditional ſubmiſſion to your ſovereign will and pleaſure in all caſes whatſoever; is this the lenity of your Government? Could that of the King of Pruſſia, or any of the German Tyrants from whom they have fled, be leſs lenient?—*The purity of your Religion!* Have you given them no alarm on that ſubject? Have they no reaſon to apprehend

that the contagion of eſtabliſhed Popery will contaminate that pure religion? Could they ever have expected to ſee that religion, the perſecutions of which have ſo often deluged the Proteſtant countries in blood, the favoured religion of a Britiſh Parliament?—*The benefit of your Laws!* Is this experienced in the trial by Jury, which you have taken away; in condemning and puniſhing with unexampled ſeverity the innocent with the accuſed, untried and unheard; the ſecurity of one's caſtle, which you have laid open to the will and pleaſure of every Cuſtom Houſe Officer or his ſervant; the advancement of the Military above the Civil Power; the ſeizure, impriſonment, and tranſportation of their perſons at the will of the Crown, without the finding of a grand Jury, or the benefit of the Habeas Corpus Act; the rendering their Judges dependent there, while by Law they are independent here; the arbitrary ſuſpenſion and diſſolution of their Legiſlatures; the ſubjecting their trade to a thouſand grievous, unneceſſary, ruinous reſtraints; Theſe are not all the inſtances you have lately given them of the benefits and bleſſing of your Laws.—*The advantages of Trade!* What are the advantages of a Trade in which the toil and hazard are theirs, the fruits yours; in which the harveſt belongs not to the ſower, but you are to reap what they ſow, either under the operation of executed, or the terror of ſuſpended Laws for taking their property without their conſent?—*The ſecurity of Property!* Is this to be derived from the deciſions of party and dependent Judges; or from their property being grantable in this Houſe of Commons, in which they are neither repreſented nor heard, the Members of which do not participate with them in the burthen they impoſe, but on the contrary exone-

rate

rate themſelves and their Conſtituents in proportion to the weight of the impoſitions they lay upon the Colonies? Or is it from the threatening Letters, ſent under the title of Revenue Acts, by which their money is to be extorted from them at your pleaſure, and for your purpoſes, under pain of military execution?

Are theſe, Sir, the liberties, privileges, and franchiſes of natural-born Subjects—theſe the excellencies of the Engliſh Conſtitution?—Are not the moſt odious and oppreſſive diſtinctions drawn between them and their once fellow-ſubjects in Great Britain? The French Coloniſts are not branded with ſuch diſtinctions; on the contrary, if we may credit a late ſenſible and candid traveller—"The Planter is conſidered as a French-"man venturing his life, and enduring a ſpe-"cies of baniſhment, and undergoing great hard-"ſhips, for the benefit of his Country; for which "reaſon he has great indulgence ſhewn him (*y*)."

From this it would appear, Sir, that the condition of a French Coloniſt would be infinitely preferable to theirs, were the Government you have meditated completely eſtabliſhed over them.

But ſtill we are told, that you do not mean to enſlave them; that though you will not ſuffer them to queſtion your right of making Laws to bind them in all caſes, and to diſpoſe of their property at your pleaſure; though you demand abſolute and implicit obedience to Acts, made without their participation or conſent, to bind their lives, liberties, and properties; yet all this is very compatible with their liberties, becauſe "it is the perfection of Britiſh Liberty to be go-"verned by Laws made by Parliament (*z*)."

(*y*) Pittman's Account of the Miſſiſſippi, p. 13.
(*z*) L. Mansfield.

What, if the people ſo governed are not repreſented in that Parliament; if they do not conſtitute that Parliament, nor conſent to its Acts? I beg pardon, Sir, but there ſeems to me to be a little State-juggling here. I did conceive, that the perfection of Britiſh Liberty was the People being governed by thoſe Laws only which were made by and with the advice and conſent of their Repreſentatives freely choſen by themſelves; that Repreſentation was the eſſence, and Parliament but the name of the Legiſlature; that to ſubſtitute the name for the eſſence, and give to Parliament that power over a People which it does not repreſent, which it can derive from Repreſentation only, is a groſs impoſition, a piece of ſophiſtry as weak as it is wicked.

Hooker tells us, they are not Laws to which the People have not conſented. My Lord Coke ſays, that Repreſentation is the ſource of the obligatory power of Laws (*a*); that this Houſe repreſents the People of this Realm (*b*). Upon theſe authorities I may venture to affirm, that Parliamentary power, without a Parliamentary conſtitution, is tyranny and uſurpation. So far as the Colonies have pledged themſelves to acquieſce in the operation of Laws made by the Britiſh Parliament to regulate trade, *bonâ fide*, for the good of the whole, they are bound by their own conſent: but when you tranſgreſs that line, when you touch the property acquired under thoſe regulations, you become tyrants in the extreme. The one infers ſubordination, the other ſlavery. They are content to be ſubordinate, but they never will be ſlaves. Should not a Britiſh Houſe of Commons bluſh, Sir, at violating that right which is held

(*a*) VII. Rep. 73. (*b*) IVth Inſtitute.

ſacred

ſacred even in Sweden? The King there declares to his people, that the moſt precious part of their Liberty conſiſts in taxing themſelves. "To this "right of the Nation," ſays he, "to tax itſelf, I "would have the greateſt attention paid."

Whatever therefore may be intended or profeſſed, the ſyſtem of Government marked out for America, is manifeſtly a ſyſtem of ſlavery; abſolute, unconditional ſlavery. I will not maintain this upon the authority of Mr. Locke, leſt a political Dean ſhould tell me, Locke is a fool; nor upon that of Monteſquieu, for a pompous Penſioner has pronounced him a viſionary; but upon the authority of two men who cannot be ſuſpected of much partiality to the People, and of ſtill leſs to the cauſe of America—Dr. Robertſon and Mr. Juſtice Blackſtone.

"A ſtate," ſays the former, "in which the "Sovereign poſſeſſes the abſolute command of a "vaſt military force, together with the diſpoſal "of an extenſive revenue; in which the People "have no privileges and no part either immedi-"ate or remote in Legiſlation; in which there is "no body of hereditary nobility, jealous of their "own rights and diſtinctions, to ſtand as an in-"termediate order between the Prince and the "People; cannot be diſtinguiſhed by any other "name but that of a *Deſpotiſm* (*c*)."

"The moſt ſtable foundation," Judge Blackſtone tells us, "of legal and rational Government, "is a due ſubordination of rank, and a gradual "ſcale of authority; and Tyranny alſo itſelf is "moſt ſurely ſupported by a regular increaſe of "deſpotiſm riſing from the Slave to the Sultan: "with this difference, however, that the mea-

(*c*) Hiſt. ch. V. Vol. I.

"ſure

" ſure of obedience in the one is grounded on " the principles of ſociety, and is extended no " further than reaſon and neceſſity will warrant— " in the other, it is limited only by abſolute " *will and pleaſure, without permitting the inferior* " *to examine the title on which it is founded* (*c*)."

Are you then ſurpriſed, Sir, that ſuch a ſyſtem excites alarms and reſiſtance in America? A ſyſtem not of one year, but of ſeven; not a ſingle Act, but a ſeries of Acts; not a ſudden, but a ſerious plan, deliberately deviſed and inexorably purſued. Are you ſurpriſed, that the People of America hear now with aſtoniſhment, as our anceſtors heard in the time of James I. (*c*), doctrines preached ſubverſive of Liberty and Property, and all the natural Rights of Humanity: That examining into your claim, they find it weakly and fallaciouſly ſupported; while Common-Senſe aſſures them, that no Conſtitution could eſtabliſh it, no precedent could ſanctify, no length of time could confirm, it.

Sir, I cannot quit this Bar without complaining of a moſt alarming and dangerous doctrine, which has been held out in a very authoritative way—That the King, as a conſtituent part of Parliament, may violate that faith which he has pledged, and by which he is bound in his executive capacity. This doctrine goes directly to the deſtruction of all confidence in the Acts of the Crown. The Royal Faith once pledged, and the conditions performed, it is ſacred and irrevocable. To eſtabliſh the reverſe, is to take from it all reſpectability and truſt. I underſtand that *ſalus populi* is the ſupreme Law. But muſt not that *ſalus populi* be of a very ſingular and incompre-

(*c*) Comm. V. IV. (*d*) Ibid. p. 429.

henſible

henſible nature, that really requires from the Crown a breach of its moſt ſolemn obligations to God and Man? It cannot be. Whatever appears ſo, is fallacious; whatever is ſo offered for the Royal approbation, is an inſult to his underſtanding and his honour. If ever the diſſent which the Conſtitution has veſted in him, ſhould be exerciſed, it is *then*; to preſerve his honour, and his faith pure and unviolated. It is argued, too, that his Charters cannot bind Parliament. But if they bind the King, what power in this Conſtitution can violate them without his conſent? Is he bound to give his aſſent to what his conſcience calls upon him to refuſe? However he is bound by Law, yet ſurely he is not bound to give his aſſent to the making That a Law which will diſhonour himſelf, and diſcredit his Acts.

The Petitioners, Sir, have declared their truſt, in the juſtice and magnanimity of the King and Parliament, for the redreſs of their grievances. Permit me to hope, Sir, they will not be deceived. Let me hope that this Parliament, not having yet committed itſelf into the deep and dangerous waters of civil contention, will liſten to the voice of reaſon and of ſupplication; will calm the commotions, appeaſe the diſcontents, and quiet the fears of his Majeſty's faithful ſubjects in America. I know it will be objected, that they are putting themſelves into a hoſtile poſture. Into a defenſive, if you pleaſe, but not an offenſive poſture. And ſurely, Sir, ſelf-preſervation, the firſt and inextinguiſhable law of Nature, will juſtify that preparation which it prompts. When they beheld a General ſent at the head of an army, to force their grievances upon them; when that General ventured to make treaſon by virtue of his Proclamation, and was apparently determined to

uphold

uphold that outrage by military force; it was time for them to prepare for their defence. It is therefore that they declare moſt ſolemnly and moſt truly, that "their Councils were influenced by no "other motive, than the fear of impending de-"ſtruction." It was but too plain, Sir, that the Acts paſt by the laſt Parliament, would inevitably produce thoſe effects. The then Houſe was warned of it by thoſe who were moſt likely to know the feelings, ſentiments, and ſituation of America, the Gentlemen of that country then reſident in London. They beſought the Houſe, with all the earneſtneſs and anxiety of apprehenſion, "not to urge their countrymen, by ſuch "Acts, to the laſt reſources of deſpair—not to "involve their country in the calamities of civil "commotions." We have ſeen, Sir, the dreadful conſequences of their rejected prayers. Let me implore you to ſhun the inexorable ſpirit of your predeceſſors, and arreſt, by a timely, temperate interpoſition, the uplifted hand of Civil War.

I may with confidence aſſure you, in the words of a celebrated Hiſtorian, "That their proceed-"ings are not the effects of popular and tu-"multuary rage; but that they aim at obtaining "redreſs of their political grievances, and an "eſtabliſhment of public Liberty on a ſecure "baſis: objects worthy of all the zeal they diſ-"cover in contending for them *(f)*."

A proſecution of coercive meaſures will alienate your Colonies forever. It will rouſe

A ſtudy of revenge, immortal hate,
And courage never to ſubmit or yield,
And what is elſe not to be overcome.

(f) Robertſon's Hiſt. Ch. V. V. II. p. 159.

They

They are too truly the deſcendants of Britiſh anceſtors to be bowed down by threats or force to bondage. It is a thouſand times more eaſy to cultivate, than to compel them to any purpoſe. A return, therefore, to the former plan of conciliation will recal their antient reſpect, attachment, and affection. When you regard the Plantations beyond ſeas as inhabited and peopled by your fellow-ſubjects, ſuch was the language of former times; when you calculate your Acts "for "maintaining a greater correſpondence and kind-"neſs between this and that country (*g*)," as was the avowed purpoſe of our anceſtors; you will then re-eſtabliſh that mutual confidence and affection, upon which I am warranted by his Majeſty's preſent Miniſters to ſay, the glory and ſafety of the Britiſh Empire depend (*h*). When you view your Colonies with commercial eyes; when you, therefore, ſtudy to render them "yet "more beneficial and advantageous, in the fur-"ther employment and increaſe of Engliſh ſhip-"ping and ſeamen, vent of Engliſh woollen "and other manufactures and commodities, and "making this Kingdom a ſtaple, not only of "the commodiites of thoſe Plantations, but alſo "of the commodities of other countries and "places for the ſupplying of them (*i*)," ſo far as ſhall be fairly and manifeſtly for the general weal, upon a liberal ſcale;—then will you feel that the united wealth and ſtrength of the whole dominion is proof againſt the world in arms. Theſe are the meaſures, Sir, which will effectually calm and conciliate men's minds, and even diſ-

(*g*) 15 Ch. II. 7. (*h*) Ibid.
(*i*) Lord Hillſborough's Letter to the Governor of Virginia, May 9th, 1769.

appoint the views of thoſe factious and ſeditious men, of whom his Majeſty's Miniſters ſo affectedly complain—As if, indeed, ſpeeches and letters could add any thing to the force and effect of thoſe Letters Patent, as I may call them, thoſe ſcorpion Acts with which it has pleaſed Parliament to ſting and ſcourge the Colonies for nine long years of injury and irritation. As well might it be ſuppoſed that a Zephyr's breath could increaſe the impreſſion of the Northern blaſt upon the raging ocean. You will give me leave, Sir, rather to lament, in the words of the Petition before you, the opprobrious terms too frequently beſtowed upon my countrymen by thoſe they revere. How often, how perpetually does American perfidy, American fraud, American puſillanimity make the theme of inflammatory declamation in this Houſe? Will you permit me to remind you, how undue and unfit ſuch treatment is; how unbecoming the dignity and decency of this Houſe, to hear the abſent reviled and traduced? For, Sir, theſe reproaches are refuted by the teſtimony of their ſervices in various wars, recorded upon your Journals; by the acknowledgements of the Merchants and Manufacturers, in their Petitions and Declarations to this Houſe; and by the evidence ariſing from the high value they put upon their commerce and trade with the Colonies, which would never be, were they a people of perfidy, fraud, and rapine. In truth, Sir, their great offence is, what they themſelves have ſtated—Their ſenſibility of the injuries they have received. So fatally true is this obſervation of Tacitus—*Proprium eſt humani ingenii odiſſe quem læſeris.*

May it be the juſt and tranſcendent praiſe of this Honourable Houſe, that its magnanimity

has

has elevated it above the reach of common infirmity! Let me hope that you will yet, for it is ſtill in your power, ſend forth the meſſenger of peace; that you will plant the olive, whoſe branches will ſpread abroad, ſo that we may meet and rejoice together under its peaceable and friendly ſhade from generation to generation. Of one thing let me ſolemnly aſſure you—When your Laws are juſt, they will be obeyed always; when unjuſt, never. Let us, then, Sir, return to our old good-humour and intercourſe. Let the hatchet be buried, and the chain of friendſhip be brightened between us for ever.

F I N I S.